

15+

JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF Santa Fe

X Daniel Mascarenas
Plaintiff,

v.

Rio Arriba County
Defendant(s),
Tell

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

APR 12 2024

Mitchell R. Elfers
CLERK

24-352

CIVIL NO #

COMPLAINT
(TORT)

I. NATURE OF THE ACTION

1. This is a tort suit authorized by the New Mexico Tort Claims Act, Chapter 41 N.M.S.A., by a corrections department prisoner who seeks damages for the following:

(a)

Abuse of Authority,
Abuse of Power

II. JURISDICTION

2. Supreme District Court has jurisdiction in Tort actions pursuant to the New Mexico Tort Claims Act N.M.S.A. Chapter 41. A Notice of Claim was previously filed with the Risk Management Division pursuant to 41-4-16, N.M.S.A. (1978).

III. PARTIES

3. The plaintiff is Daniel Mascarenas, a prisoner at the CNMCE.
RDC

"Supervisor James" and
officer Carrillo, and holds the office of
Rio Arriba County Jail.

IV. FACTS

5. Sustained Injury due to negligent actions, and also was injured by above named defendants, and was housed in a room without water or toilet access.

V. PRAYER

WHEREFORE it is demanded the Court issue judgment against the defendant(s) as follows:

Charges be dismissed
and financial compensation
be disbursed to plaintiff.

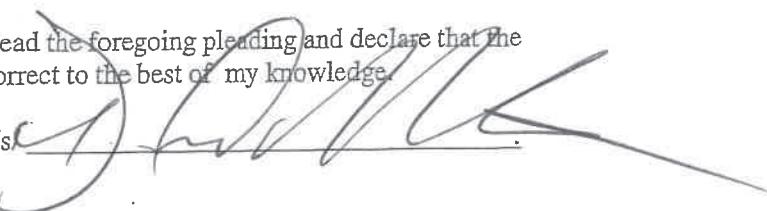
04-05-24.
Date

Respectfully Submitted,


Signature

[THIS NEXT SECTION MUST BE COMPLETED BEFORE A NOTARY PUBLIC]

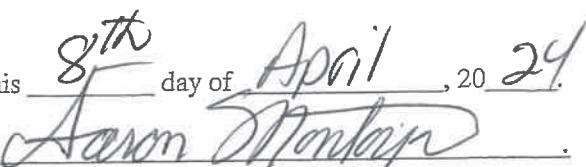
I, the Affiant, first being duly sworn have read the foregoing pleading and declare that the information contained therein is true and correct to the best of my knowledge.

/s/ 

STATE OF NEW MEXICO

COUNTY OF Valencia.

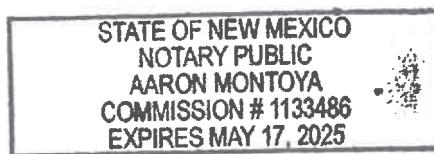
SUBSCRIBED AND SWORN to before me this

8th day of April, 2024.


NOTARY PUBLIC

My Commission Expires:

May 17, 2025



FORM 4-206. SUMMONS, NM R CIV Form 4-206

West's New Mexico Statutes Annotated
State Court Rules
4. Civil Forms
Article 2. Commencement of Action

NMRA, Form 4-206

FORM 4-206. SUMMONS

Currentness

[For use with District Court Civil Rule 1-004 NMRA]

SUMMONS

District Court: Case Number:

County, New
Mexico

Court Address:

Judge:

Court Telephone Number.:

Plaintiff(s): Defendant

v. Name:

Defendant(s): Address:

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.

FORM 4-206. SUMMONS, NM R CIV Form 4-206

5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.

6. If you need an interpreter, you must ask for one in writing.

7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

Dated at _____, New Mexico, this ____ day of _____, 20 ____.

CLERK OF COURT

By:

Deputy,

Attorney for Plaintiff or

Plaintiff pro se

Name:

Address:

Telephone No.:

Fax No.:

Email Address:

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE
NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

STATE OF NEW MEXICO)

)ss

COUNTY OF)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

[W] to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

[W] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[W] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

[W] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

[W] to _____, an agent authorized to receive service of process for defendant _____.

[W] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

[W] to _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: _____

.....
Signature of person making service
.....

Title (*if any*)

Subscribed and sworn to before me this ____ day of _____, 2⁰

Judge, notary or other officer

authorized to administer oaths

Official title

USE NOTE

FORM 4-206. SUMMONS, NM R CIV Form 4-206

West's New Mexico Statutes Annotated
State Court Rules
4. Civil Forms
Article 2. Commencement of Action

NMRA, Form 4-206

FORM 4-206. SUMMONS

Currentness

[For use with District Court Civil Rule 1-004 NMRA]

SUMMONS

District Court: Case Number:

County, New
Mexico

Court Address:

Judge:

Court Telephone Number.:

Plaintiff(s): Defendant

v. Name:

Defendant(s): Address:

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.

2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.

3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.

4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.

FORM 4-206. SUMMONS, NM R CIV Form 4-206

5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.

6. If you need an interpreter, you must ask for one in writing.

7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

Dated at _____, New Mexico, this ____ day of _____, 20 ____.

CLERK OF COURT

By:

Deputy

Attorney for Plaintiff or

Plaintiff pro se

Name:

Address:

Telephone No.:

Fax No.:

Email Address:

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE
NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

STATE OF NEW MEXICO)

)ss

COUNTY OF)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

[W] to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

[W] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[W] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

[W] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

[W] to _____, an agent authorized to receive service of process for defendant _____.

[W] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

[W] to _____ (*name of person*), _____ (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: _____

.....
Signature of person making service
.....

Title (*if any*)
.....

Subscribed and sworn to before me this _____ day of _____, ____²

Judge, notary or other officer

authorized to administer oaths

Official title

USE NOTE

FORM 4-206. SUMMONS, NM R CIV Form 4-206

West's New Mexico Statutes Annotated
State Court Rules
4. Civil Forms
Article 2. Commencement of Action

NMRA, Form 4-206

FORM 4-206. SUMMONS

Currentness

[For use with District Court Civil Rule 1-004 NMRA]

SUMMONS

District Court: Case Number: _____

County, New
Mexico

Court Address:

Judge:

Court Telephone Number: _____

Plaintiff(s): _____ Defendant: _____

v. _____ Name: _____

Defendant(s): _____ Address: _____

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

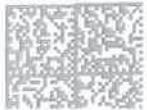
1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.

2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.

3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.

If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.

Daniel M. Morris #87019
P.O. Box 1328
SAC Filing U.M. 87031



RECEIVED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
APR 12 2024

MICHELL R. ELFFERS
CLERK

United States District
Court of Appeals
for the Tenth
333 S. Canyon Street
Albuquerque NM 87102

Clerk's Mail